IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER ST.NO.19713 OF 2002

Jayantilal J.Adukai. ... Appellant.
Versus.
BEST Undertaking. ... Respondents.

Shri A.G.Damle for the Appellant.

CORAM : ABHAY S. OKA, J.

DATED : 18th January, 2005.

P.C.:

1. Heard Shri Damle for the Appellant. The challenge in this Appeal is to the Judgment and Order dated 17th April 2002 passed by the learned trial Judge by which Notice of Motion taken out by the Appellant/Plaintiff for temporary injunction has been dismissed.

2. After having heard the learned Counsel for the Appellant, I find that there is no merit in the Appeal. There is a finding recorded that an Award under the provisions of the Land Acquisition Act 1894 was passed in respect of the property subject matter of the suit and now the property is vested in the State Government. The trial Court held that in view of the acquisition of the property in question the Appellant was not entitled to discretionary relief of temporary injunction. I find no fault with the reasons recorded by the learned trial Court.

3. The Appeal is dismissed with no order as to costs.

Judge.